

II. POLICY



The Department of Toxic Substances Control will make available for public inspection and/or copying, all records which are subject to disclosure under the provisions of the California Public Records Act (Government Code §6250 et seq.), the Health and Safety Code §25152.5, and as applicable, §3007(b) of RCRA (42 U.S.C. §6927 (b)), and EPA regulations set forth in 40 CFR Part 2.

The California Public Records Act provides as follows:

"In enacting this chapter, the Legislature, mindful of the right of individuals to privacy, finds and declares that access to information concerning the conduct of the people's business is a fundamental and necessary right of every person in this state."

It is the Department's policy to be open and cooperative with the public regarding access to Department records and to disclose information in accordance with the Public Records Act. Public requests for information from Department files and requests for general information regarding the Department's programs as contained in the Department's records will be handled in a timely and efficient manner.

The Department will routinely make certain records prepared for public distribution available without requiring a formal public records request. Examples of such records include pamphlets, fact sheets, press releases, educational materials and copies of speeches. The Department, however, may charge a fee for copies of this information.

Department records may also be required to be produced pursuant to a legal request, for example, a subpoena duces tecum. Section V., subsection C - Office of Legal Counsel and Appendix C contain guidance with respect to subpoenas duces tecum and responding to legal requests for records.